

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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HLT EXISTING FRANCHISE  
HOLDING LLC,

Plaintiff,

v.

Case No. 2:21-cv- 2351-MSN

NISMARK, L.L.C., ABID NISAR,  
and RASHDA NISAR  
a/k/a Rashida Nisar  
a/k/a Rasida Nisar,

Defendants.

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**ORDER VACATING JUDGMENT, ADOPTING THE PARTIES' AGREED ORDER,  
AND DISMISSING CASE WITH PREJUDICE**

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Before the Court is the Parties' Join Motion for Entry of Agreed Order of Dismissal with Prejudice, filed January 12, 2022. (ECF No. 38) ("Motion".) The Parties jointly move the Court to (1) vacate the Court's earlier Judgment, (ECF No. 37), and (2) enter the Agreed Order of Dismissal with Prejudice, filed as Exhibit A to the Motion. (ECF No. 38 at PageID 143-44.) The purpose of this request is to ensure that the Court retains jurisdiction to enforce, if necessary, the Parties' settlement agreement. (*Id.*) The Parties' request is well-taken and the Court **GRANTS** the Motion, **VACATING** its earlier Judgment, (ECF No. 37), adopting in full the Parties' Agreed Order, (ECF No. 38-1), below, and **DISMISSING** the Complaint **WITH PREJUDICE**.

**IT IS SO ORDERED** this 21st day of January, 2022.

s/ Mark Norris

MARK S. NORRIS

UNITED STATES DISTRICT JUDGE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

**HLT EXISTING  
FRANCHISE HOLDING LLC,**  
**Plaintiff,**

**v.  
NISMARK, L.L.C.,  
ABID NISAR, and  
RASHDA NISAR  
a/k/a Rashida Nisar  
a/k/a Rasida Nisar**

**Defendants.**

Case No. 2:21-cv-02351

**AGREED ORDER OF  
DISMISSAL WITH  
PREJUDICE**

Pursuant to the consent and agreement of the parties, Plaintiff HLT Existing Franchise Holding LLC (“Hilton”) and Defendants Nismark, LLC, Dr. Abid Nisar, and Rashda Nisar a/k/a Rashida Nisar a/k/a Rasida Nisar (collectively, the “Nismark Defendants”), it is hereby ORDERED, ADJUDGED, and DECREED that:

1. The below counsel of record have received express permission from Hilton and the Nismark Defendants, respectively, to consent to entry of this Agreed Order of Dismissal With Prejudice.
2. This Court has jurisdiction over the subject matter of this litigation and over all parties thereto. The Complaint herein states a claim upon which relief can be granted.
3. Hilton and the Nismark Defendants have executed a confidential settlement agreement (the “Settlement Agreement”) which provides for an Agreed Judgment (the “Agreed Judgment”) in the total amount of \$500,000.00 to be held by counsel for Hilton and entered against the Nismark Defendants immediately in the event that they default on any of their obligations under the Settlement Agreement.

4. Upon entry of this Agreed Order of Dismissal With Prejudice, this Action shall be dismissed with prejudice, subject to this Court retaining jurisdiction for purposes of enforcing the terms of the Settlement Agreement and Agreed Judgment, if necessary. *See Kokkenen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 381-82 (1991).
5. Each party shall bear its own attorneys' fees and costs.

Dated: January 12, 2022

Respectfully submitted,

**HLT Existing Franchise Holding LLC,  
PLAINTIFF**

/s/ Deborah S. Coldwell

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*And* **Nismark, LLC, Dr. Abid Nisar, and  
Rashda Nisar a/k/a Rashida Nisar a/k/a  
Rasida Nisar, DEFENDANTS**

/s/ Earl Robert Schultz , III

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